THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.11131 OF 2005

Dated: 13-12-2005

Between

Baddi Venkata Ramana, S/o. Late Somaraju, Occ: Cultivation,
R/o. Nellipudi, Sankhavaram Mandal, East Godavari District and others.

...PETITIONERS

AND

The Government of Andhra Pradesh represented by its Principal Secretary, Revenue (Endowments) Department, Secretariat, Hyderabad – 22 and others.

...RESPONDENTS

ORDER:

The counsel appearing for the respective parties submits that the subject matter of the writ petition is squarely covered by a Division Bench judgment of this Court in W.P.No.4974 of 2005 and batch wherein this Court held that the cultivating tenants will not come within the meaning of encroachers and therefore, there is no need to initiate action under Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). However, the leases granted in favour of the petitioners under Section 82 of the Act stands cancelled and the persons holding the leases under Section 82 of the Act cannot be termed as encroachers under Section 83 of the Act.

However, learned counsel for the petitioners submits that there is a standing crop but the learned counsel for the respondents submits that, in fact, the petitioners are not in possession of the lands and as such the question of standing crop does not arise.

The writ petition is accordingly dismissed. However, if there is any standing crop, it is open for the petitioners to make an application before the Executive Officer of the third respondent temple within ten days from toady and on such application being filed, the same may be considered and disposed of in accordance with law.

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V. ESWARAIAH, J

December 13, 2005

DSK